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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,439	04/15/2004	Tetsuya Sawano	0649-0955P	6298

2292 7590 04/11/2007	EXAMINER
BIRCH STEWART KOLASCH & BIRCH	HERRERA, DIEGO D
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FALLS CHURCH, VA 22040-0747	

	ART UNIT	PAPER NUMBER
	2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/11/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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mailroom@bskb.com

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/824,439	SAWANO, TETSUYA
	Examiner	Art Unit	
	Diego Herrera	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2004*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to..

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 4/15/2004 was

filed. The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the information disclosure statement is being considered by the

examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at
     issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
     obviousness or nonobviousness.

Claims 1-21are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wilcock et al. (US patent 6741864 B2), and in view of Ogaki et al. (US

patent 7065370 B2).

Regarding claim 1. (Currently Amended) Wilcock et al. discloses an image

processing server (fig. 9, 11-12; col. 9 lines: 45-56, Wilcock et al. teaches server

uniting information to image), comprising:

a communication unit that receives image data from a mobile communication

device, the image, data having been sensed by the mobile communication device

(fig. 11, col. 10 lines: 11-29, Wilcock et al. teaches image being uploaded to

mobile from camera then receiving information about location related to image

and coordinates);

a specifier that specifies a position of the mobile communication device based on

information relating to a satellite representing a communication region where the

image data was sensed by the mobile communication device (fig. 4, 5 col. 4

lines: 38—col. 5 lines:25, Wilcock et al. teaches the use of a camera with a GPS

receiver receiving data about date, and other data as viewed in fig. 4); and

However, Wilcock et al. does not discloses specifically about mobile

device receiving information about location related to base station, nonetheless,

Ogaki et al. teaches about mobile device receiving information about location

related to base station (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches

receiving information about the distance or position of mobile in current area).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to specifically include about mobile device

receiving information about location related to base station, as taught by for the

purposes of location information.

an adder that adds first position information indicative of the specified position to

the image data as attribute information of the image data (fig. 4, 5 col. 4 lines:

38—col. 5 lines:25, Wilcock et al. teaches the use of a camera with a GPS

receiver receiving data about date, and other data as viewed in fig. 4).

Regarding claim 5. (Currently Amended) Wilcock et al. discloses an image

processing server (fig. 9, 11-12; col. 9 lines: 45-56, Wilcock et al. teaches server

uniting information to image), comprising:

    a communication unit that receives image date and first position

information, the image data have been sensed by a mobile communication

device (fig. 11, col. 10 lines: 11-29, Wilcock et al. teaches image being uploaded

to mobile from camera then receiving information about location related to image

and coordinates); and

    an adder that adds second position information; indicative of a position

where the image sensor in the mobile communication device sensed the image

data, to the image data sensed by the image sensor as attribute information of

the image data based on the first position information (fig. 4, 5 col. 4 lines: 38—

col. 5 lines:25, Wilcock et al. teaches the use of a camera with a GPS receiver

receiving data about date, and other data as viewed in fig. 4).

    Regarding claim 12. (Currently Amended) An image processing server

(fig. 9, 11-12; col. 9 lines: 45-56, Wilcock et al. teaches server uniting information

to image), comprising:

means for receiving image data from a mobile communication device the image

data having, been sensed by, the mobile communication device (fig. 11, col. 10

lines: 11-29, Wilcock et al. teaches image being uploaded to mobile from camera

then receiving information about location related to image and coordinates);

However, Wilcock et al. does not discloses specifically about mobile

device receiving information about location related to base station, nonetheless,

Ogaki et al. teaches about mobile device receiving information about location

related to base station (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches

receiving information about the distance or position of mobile in current area).

Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to specifically include about mobile device

receiving information about location related to base station, as taught by for the

purposes of location information.

means for adding first position information indicative of the specified position to

the image data as attribute information of the image data(fig. 4, 5 col. 4 lines:

38—col. 5 lines:25, Wilcock et al. teaches the use of a camera with a GPS

receiver receiving data about date, and other data as viewed in fig. 4).

Regarding claim 16. (Currently Amended) An image processing server,

comprising:

means for receiving image data and first position information, the image data

having been sensed by a mobile communication device (fig. 11, col. 10 lines: 11-

29, Wilcock et al. teaches image being uploaded to mobile from camera then

receiving information about location related to image and coordinates); and

means for adding second position information, indicative of a position where an

image sensor in the mobile communication device sensed the image data, to the

image data sensed by the image sensor as attribute information of the image

data based on the first position information (fig. 4, 5 col. 4 lines: 38—col. 5

lines:25, Wilcock et al. teaches the use of a camera with a GPS receiver

receiving data about date, and other data as viewed in fig. 4).

Regarding claim 21. (New) A method of providing location information to image

date, the location information indicative of the location where the image data was

sensed (fig. 4, 5 col. 4 lines: 38—col. 5 lines:25, Wilcock et al. teaches the use of

a camera with a GPS receiver receiving data about date, and other data as

viewed in fig. 4), comprising:

receiving a message from a mobile communication device, the message

including image data sensed by the mobile communication device (fig. 11, col. 10

lines: 11-29, Wilcock et al. teaches image being uploaded to mobile from camera

then receiving information about location related to image and coordinates);

However, Wilcock et al. does not discloses specifically about mobile

device receiving information about location related to base station, nonetheless,

Ogaki et al. teaches about mobile device receiving information about location

related to base station (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches

receiving information about the distance or position of mobile in current area).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include about mobile device receiving information about location related to base station, as taught by for the purposes of location information;

acquiring location information associated with the specified base station; and adding the acquired location information to the received image data information, as attribute information (fig. 4, 5 col. 4 lines: 38—col. 5 lines:25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

2. (Currently Amended) The combination of Wilcock et al. and Ogaki et al. discloses the image processing server of claim 1, further, comprising:

a database that stores global positioning system (GPS) information for a plurality of base stations (fig. 1 Ogaki, fig. 1 Wilcock):

wherein the specifier specifies the position of the mobile communication device based on base station related information, the base station being used in transmitting the image data and the database storing the GPS information in association with the base station related information (fig. 3-5, 11-12, 17; col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

3. (Original) The image processing server of claim 1, The combination of Wilcock

et al. and Ogaki et al. discloses wherein the first position information includes at

least one of global positioning system (GPS) information, address information

and a place name (fig. 3-5, 11-12, 17; col. 8 lines: 39-51, col. 10 lines: 11-30,

Wilcock et al. teaches system receiving information from mobile to service

system storing information such as GPS location data).

4. (Currently Amended) The image processing server of claim 2, The

combination of Wilcock et al. and Ogaki et al. discloses wherein the base station

related information includes a base station number of the base station (col. 10

lines: 45-67, Wilcock et al. teaches information from location server or GPS

information).

6. (Currently Amended) The image processing server of claim 5, The

combination of Wilcock et al. and Ogaki et al. discloses wherein the first

position information includes at least one of global positioning system (GPS)

information, address information and a place name (col. 8 lines: 39-51, col. 10

lines: 11-30, Wilcock et al. teaches system receiving information from mobile to

service system storing information such as GPS location data).

7. (Currently Amended) The image processing server of claim 5, The

combination of Wilcock et al. and Ogaki et al. discloses wherein the second

position information includes at least one of a base station number and a place

name, obtained from a base station (fig. 3-5, col. 8 lines: 39-51, col. 10 lines: 11-

30, Wilcock et al. teaches system receiving information from mobile to service

system storing information such as GPS location data).

8. (Original) The image processing server of claim 1, The combination of Wilcock

et al. and Ogaki et al. discloses wherein the adder adds the first position

information to an exchangeable information file (Exif) tag of the image data (fig.

4, 5 col. 4 lines: 38—col. 5 lines:25, Wilcock et al. teaches the use of a camera

with a GPS receiver receiving data about date, and other data as viewed in fig.

4).

9. (Currently Amended) The image processing server of claim 5, The

combination of Wilcock et al. and Ogaki et al. discloses wherein the adder adds

the second position information to an exchangeable information file (Exit) tag of

the image data (fig. 4, 5 col. 4 lines: 38—col. 5 lines:25, Wilcock et al. teaches

the use of a camera with a GPS receiver receiving data about date, and other

data as viewed in fig. 4).

10. (Currently Amended) The image processing server of claim 8, The

combination of Wilcock et al. and Ogaki et al. discloses further comprising:

an adder that adds the Exif tag to the image data if the image data received from

the mobile communication device does not include an Exif tag (fig. 3, 4, col. 4

lines: 10-33, Wilcock et al. teaches user is able to add label or information not

provided originally).

11. (Currently Amended) The image processing server of claim 9, The

combination of Wilcock et al. and Ogaki et al. discloses further comprising:

an adder that adds the Exif tag to the image data if the image data received from

the mobile communication device does not include an Exif tag (fig. 3, 4, col. 4

lines: 10-33, Wilcock et al. teaches user is able to add label or information not

provided originally).

13. (Currently Amended) The image processing server of claim 12, The

combination of Wilcock et al. and Ogaki et al. discloses <u>further comprising:</u>

<u>a database for storing global positioning system (GPS) information for a plurality</u>

<u>of base stations</u> (col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches

system receiving information from mobile to service system storing information

such as GPS location data)<u>; and</u>

wherein the means for specifying specifies the position of the mobile

communication device based on the <u>base station related</u> information (col. 1 lines:

15-22, col. 4 lines: 6-14; Ogaki et al. teaches receiving information about the

distance or position of mobile in current area), the base station being used in

transmitting the image data and the database storing the GPS information

~~associated~~-in association with the base <u>station related</u> information (col. 8 lines:

39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information

from mobile to service system storing information such as GPS location data).

14. (Original) The image processing server of claim 12, The combination of

Wilcock et al. and Ogaki et al. discloses wherein the first position information

includes at least one of global positioning system (GPS) information, address

information and a place name (col. 10 lines: 45-67, Wilcock et al. teaches

information from location server or GPS information).

15. (Currently Amended) The image processing server of claim 12, The

combination of Wilcock et al. and Ogaki et al. discloses wherein the ~~second~~

~~position~~-base station related information includes a base station number of the

base station (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches receiving

information about the distance or position of mobile in current area)..

17. (Currently Amended) The image processing server of claim 16, The

combination of Wilcock et al. and Ogaki et al. discloses wherein the second

position information includes at least one of global positioning system (GPS)

information, address information and a place name (col. 10 lines: 45-67, Wilcock

et al. teaches information from location server or GPS information).

18. (Currently Amended) The image processing server of claim 16, The

combination of Wilcock et al. and Ogaki et al. discloses wherein the first position

information includes at least one of a base station number and a place name,

obtained from a base station (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al.

teaches receiving information about the distance or position of mobile in current

area).

19. (Original) The image processing server of claim 12, The combination of

Wilcock et al. and Ogaki et al. discloses wherein the means for adding adds the

first position information to an exchangeable information file (Exif) tag of the

image data (fig. 4, 5 col. 4 lines: 38—col. 5 lines: 25, Wilcock et al. teaches the

use of a camera with a GPS receiver receiving data about date, and other data

as viewed in fig. 4).

20. (Currently Amended) The image processing server of claim 16, The

combination of Wilcock et al. and Ogaki et al. discloses wherein the means for

adding adds the second position information to an exchangeable information file

(Exif) tag of the image data (fig. 4, 5 col. 4 lines: 38—col. 5 lines: 25, Wilcock et

al. teaches the use of a camera with a GPS receiver receiving data about date,

and other data as viewed in fig. 4).

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Diego Herrera whose telephone number is

(571) 272-0907. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DH

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SUPERVISORY PRIMARY EXAMINER